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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,375	02/10/2004	Aldric Kuo-Chun Lee	L,AK-6	9920

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EXAMINER

RICCI, JOHN A

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/775,375

Applicant(s)

LEE, ALDRIC KUO-CHUN

Examiner

John Ricci

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3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-31, 36 and 37 is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 14, 16-23, 26 and 32-35 is/are rejected.
- 7) ☒ Claim(s) 12, 15, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

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Claims 2-10 & 32-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2-5 & 10, there is no antecedent for the "connecting portion".

In claims 32 & 33, there is no antecedent for the "pivotal connecting apparatus".

\* \* \* \* \*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 10, & 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson 4,877,007.

Olson shows a sling shot having a fork portion 11 having an attached elastic member; a gripping portion 12; and apparatus 19 pivotally connecting the fork portion and gripping portion, having a connecting member 18 spaced a distance which would help overcome friction. There is a sight mounting bracket 31.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson in view of Bolton 3,983,860.

In the sling shot of Olson, the elastic member 16 is connected to the fork using a non-pivotal connector 34. One would recognize that a pivotal connector would be desirable so the elastic will remain aligned with the fork in the vertical direction. For example, Bolton shows that the elastic may be mounted to the fork by means of pivotal connectors 36, 38, of a length that would help overcome friction. This pivotal attachment would be desirable in the sling shot of Olson to help align the elastic with the fork. It would have been obvious to one of ordinary skill in the art to provide the sling shot of Olson with the pivotal fork connectors of Bolton.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olson in view of Bolton as applied to claim 13 above, and further in view of Ellenburg et al 5,803,067.

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Olson shows a sight 31, 36 which is somewhat removed from the fork. One would recognize that a sight mounted closer to the connection of the elastic and fork may be more accurate. For example, Ellenburg shows that a sling shot may have a pivotal connection 40, 50 between the elastic and fork, and a bracket 41 for mounting a sight 47 in close proximity to the pivotal connector. One would recognize that this sight would be desirable if the sling shot of Olsen were provided with the pivotal connector of Bolton. It would have been obvious to one of ordinary skill in the art to provide the sling shot of Olsen with the pivotal connector of Bolton, and with the sight mount of Ellenburg.

Claims 17 & 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolton.

Bolton shows a sling shot including a fork 18, 20; a gripping portion 10; and pivotal connectors 36, 38 for connecting the elastic 24, 26 to the fork. The connectors have a length that would help reduce friction.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton.

Bolton does not disclose the length of the connecting members 36, 38. However, one would be able to determine through routine experimentation the length that is most effective to reduce friction.

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Claims 21 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton in view of Ellenburg.

The sling shot of Bolton does not appear to include a sight. One would recognize that a sight would be desirable to facilitate aiming. For example, Ellenburg shows that a sling shot may have a pivotal connection 40, 50 between the elastic and fork, and a bracket 41 for mounting a sight 47 in close proximity to the pivotal connector. One would recognize that this sight would be desirable in the sling shot of Bolton. It would have been obvious to one of ordinary skill in the art to provide the sling shot of Bolton with the sight mount of Ellenburg.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton in view of Olson.

The grip and fork of the sling shot of Bolton are fixedly mounted, so the elastic may be unevenly stretched on the left and right. One would recognize that it would be desirable to provide a pivotal connection between the grip and fork to better align the elastic. For example, Olson shows a sling shot having a fork portion 11 having an attached elastic member; a gripping portion 12; and apparatus 19 pivotally connecting the fork portion and gripping portion, having a connecting member 18 spaced a distance which would help overcome friction. This arrangement would be desirable in the sling shot of Bolton. It would have been obvious to one of ordinary skill in the

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art to provide the sling shot of Bolton with a pivotal fork connection, as suggested by Olson.

\* \* \* \* \*

Claims 27-31, 36, & 37 are allowed.

Claims 32-35 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 12, 15, 24, & 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not disclose a wrist brace for a sling shot having a first portion extending away from a grip, and second, third, and fourth portions partially circumscribing an open area.

\* \* \* \* \*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

\* \* \* \* \*

This letter was prepared by Examiner John Ricci, who can be reached at:

Voice: 703-308-4751

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Fax: Use 703-872-9306 for papers to be delivered directly to the mail room, like formal amendments and responses, change of address, power of attorney, petitions.

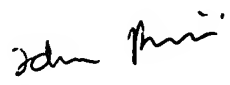
Use 703-783-0439 for papers to be delivered directly to the Examiner, like informal or proposed responses for discussion, or notes in preparation for an interview.

*Response by Fax is encouraged to reduce mail processing time. Please don't send duplicate papers by mail and Fax.*

My supervisor is Derris Banks, 703-308-1745.

PTO main switchboard: 800-786-9199.

Visit our Web site at [www.uspto.gov](http://www.uspto.gov).

  
**JOHN RICCI**  
**PRIMARY EXAMINER**  
**ART UNIT 3712**